

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schonauer (6068336).

The mounting plate is 2c, the adjusting part is 6, the first adjusting direction is toward the center line of the backrest and the second adjustment direction is substantially opposite to the first adjusting direction, away from the center line of the backrest; the mechanical energy storage means is 6B, the rest portion of the seat is 2a, wherein the second end of the adjusting part 6 coupled with the mechanical energy storage means 6B, and the mechanical energy storage means is coupled with the adjusting part 6 and mounting plate 2C via 12 and 13; and wherein the adjusting part 6 has a middle portion between a first and second end portion and is displaceable on the mounting plate 2C by means of the middle portion (where 20' is attached).

Claims 14-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabas et al. See fig. 7, in particular.

The housing is 80b, the cable pull is the inner steel cable of Bowden wire 60, the adjusting unit is 90, the mechanical energy storing means is 70, the first adjustment direction is downward movement of housing 80b relative to cable pull, the second

adjusting direction is upward (col. 5, lines 32-37), the electrically driven or manually driven adjustment unit is described in col. 6, lines 12-15. The cable pull is coupled to the mechanical energy storage means 70 via 10, 80b, the spring itself surrounding the inner steel cable, and the lower end stop at the lower end of the spring 70, wherein "coupled" is defined as "linked together; connected" as defined in the "American Heritage Dictionary".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schonauer as applied to claim 1 above, and further in view of Gabas.

Gabas teaches an adjusting unit 90 that is electro-mechanically operated (col. 6, lines 12-15) to be old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the Schonauer device such that it were electro-

mechanically operated as taught to be old by Gabas thereby providing the obvious advantage and predictable result of greater convenience to the user.

Allowable Subject Matter

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 3/15/10 have been fully considered but they are not persuasive. The arguments regarding claims 1, 2, 4-10, 12 and 13 are moot in view of the new grounds of rejection.

Regarding claims 14-24, Applicant argues that the Gabas reference does not teach a "cable pull" that is coupled to mechanical energy storage means. The Examiner disagrees. The mechanical energy storage means 70 of Gabas are "coupled" to the cables 60 and wires therein via the spring itself surrounding the inner wire of 60, and the upper limiting portion 80b and the lower limiting member at the bottom of the energy storage means 70. The term "coupled" is defined as "linked together; connected" by the "American Heritage Dictionary". Clearly, the energy storage means 70 of Gabas is "coupled" to the cable pull. The rejection is proper as stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie K. Cranmer whose telephone number is (571) 272-6855. The examiner can normally be reached on M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurie K. Cranmer
Primary Examiner
Art Unit 3636

/Laurie K. Cranmer/
Primary Examiner, Art Unit 3636